IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (LODGING) NO.1313 OF 2005

Lalmany R. Mishra ....Petitioner

Versus

Brihanmumbai Mahanagarpalika & Ors. ....Respondents

Mr.A. H. Namavati for the Petitioner.
Ms.Priti Purandare for Respondent Nos.1 and 2.
Mr.R. J. Mane, A. G. P. for Respondent No.3.
Mr.Karim Vakil for Respondent No.4.

CORAM : DALVEER BHANDARI, C.J. &
S.J. VAZIFDAR, J.
DATE : 27TH JUNE, 2005.

P.C. :

We have heard the learned counsel for the parties. The Petitioner is aggrieved by a notice of demolition dated 14.1.2005 issued by the Respondent – Corporation.

2. Despite notice, the Corporation has not filed reply affidavit. In this view of the matter, we direct the Corporation to consider the

Petitioner's Writ Petition as his comprehensive reply and decide the same by a reasoned order after affording him a personal hearing.

3. To avoid any delay, we direct the Petitioner to appear before the Assistant Commissioner “D” Ward on 4th July, 2005 at 11.00 a.m. Respondent No.4 would be at liberty to appear before the same authority on 4th July, 2005 at 11.00 a.m. The concerned authority would hear the Petitioner and Respondent No.4 and counsel for the Corporation and decide the same by a reasoned order within four weeks from the date of appearance of the learned counsel for the parties. No further directions are necessary and this Petition is accordingly disposed of. In case an adverse order is passed against the Petitioner, the same would not be given effect for a period of two weeks from the date when the order is passed.

CHIEF JUSTICE

S.J. VAZIFDAR, J.